

Central Region Review



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ NOVEMBER 2005 ★

★ REGIONS 6 & 7 ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in federal Regions 6 and 7. Versar, Inc., in support of the Central Regional Environmental Office (CREO), prepares the *REVIEW* to assist you in your compliance efforts. Current and past issues of the *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil/usaec/reo/creo00.html>. Please e-mail CREO.regulatory.specialist@nwk02.usace.army.mil or call (816) 983-3327 if you have any questions or suggestions, or if you would like to subscribe to the *REVIEW*.

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State Environmental Assessment Summaries (SERAS). Now available on Denix, SERAS for the states of Iowa, Kansas, Missouri, and Nebraska present the most recent information regarding the 2005 legislative and regulatory agency information. For more information, please go to https://www.denix.osd.mil/denix/State/Webnotes/show_index.cgi/denix/State/Partnering/REC/Discussion/discussion.html?state.partnering.rec.discuss.

Assistance in Environmental Regulations Impact. In the past, CREO has successfully assisted installations in moderating environmental regulations that affect current operations. If you need assistance in this regard, please contact the CREO Chief/ DoD Region 7 REC at (816) 983-3449 or Regional Counsel at (816) 983-3448. CREO stands ready to assist you in resolving these types of issues.

AELC Call for Army Environmental Legislative Proposals. The US Army prepares and submits to the Office of the Secretary of Defense (OSD) proposals to address a wide variety of issues, including environmental, for subsequent submittal to OMB and to the Congress. In late 2002, the **Army Environmental Legislative Committee (AELC)** was established to, among other things, streamline the process for the Army's development of environmental and related legislative proposals for submittal to OSD.

AELC continuously solicits input for environmental legislative concepts/proposals for the Defense Authorization and Appropriations Bills. **AELC** then selects environmental concepts that the Army would like to pursue. Technical and legal support is provided to ensure that each concept is developed into a format consistent with DoD guidance for the submittal of legislative proposals. Submissions should be coordinated through your chain of command to your organization's **AELC** point of contact. More information can be obtained from the **US Army Environmental Center** at (410) 436-1660. **USAEC** serves as secretary and provides staff support to **AELC**.

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REGION 6 STATE ACTIVITY

Regulatory & Legislative Web Sites

Arkansas Department of Environmental Quality (ADEQ)	http://www.adeq.state.ar.us
Arkansas General Assembly	http://www.arkleg.state.ar.us/
Louisiana Department of Environmental Quality (LDEQ)	http://www.deq.state.la.us
Louisiana Legislature	http://www.legis.state.la.us/
New Mexico Environment Department (NMED)	http://www.nmenv.state.nm.us/
New Mexico Legislature	http://legis.state.nm.us/
Oklahoma Department of Environmental Quality (ODEQ)	http://www.deq.state.ok.us
Oklahoma Legislature	http://www.lsb.state.ok.us/
Texas Commission on Environmental Quality (TCEQ)	http://www.tnrcc.state.tx.us
Texas Legislature	http://www.capitol.state.tx.us/

ARKANSAS

Legislative/Regulatory Activity

No significant regulatory activities during this reporting period.

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LOUISIANA

Legislative/Regulatory Activity

STATE OF LOUISIANA SPECIAL LEGISLATIVE SESSION

Louisiana Legislature Special Session, 6-22 November 2005. Louisiana Governor Kathleen Blanco (D) has issued a call for the Legislature to meet for a special session that began on 6 November and will end on 22 November 2005. In the Governor's proclamation, which was released late 31 October 2005, there were 77 items that the Legislature would address. One issue to note is Item 1, which would, "amend state statutes to charge the Wetlands Authority with the duty of development and implementation of a comprehensive coastal and hurricane protection plan including reorganization of related functions of various departments, membership of the authority and the power to require plan implementation for the purpose of focusing state resources for the long-term safety and sustainability of our communities and economy." The other items listed in the proclamation by Governor Blanco deal primarily with hurricane-related issues, such as tax breaks for businesses, rebuilding the New Orleans school system, and revising the building code, among others. According to the Louisiana Constitution, "the power to legislate shall be limited, under penalty of nullity, to the objects specifically enumerated in the [Governor's] proclamation." Additionally, Governor Blanco has stated that she will call the Legislature into another special session some time in January 2006. To view Governor Blanco's proclamation, click on the following link:
<http://www.legis.state.la.us/archive/051es/call.pdf>.

STATE OF LOUISIANA FINAL RULES

(Effective 20 October 2005) LA Department of Environmental Quality Final Rule Changes: Organizational Changes Under New Administration (LAC 33:I, III, V, VI, VII, IX, XI, and XV). LDEQ has made a number of technical amendments to its rules because of a change in administration of the state and subsequent reorganization of the department. This proposed rule revises references to the department's divisions in

the regulations to reflect the new organizational structure of LDEQ. The rule also makes minor grammatical corrections and format changes to internal regulation references. This change is necessary to keep the regulations current in order to provide accurate information for the regulated community. The basis and rationale for this proposed rule are to correct the division names cited in the regulations to correspond to the new or renamed divisions created when the department was reorganized. The final rule was effective and published on 20 October 2005. For more information, please contact Judith Schuerman at (225) 219-3550.

(Effective 20 October 2005) LA Department of Environmental Quality Final Regulation: Amendments to Adopt Federal Standards for Used Oil (HW087ft) (LAC 33:V.108, 1717, 4003, and 4561). LDEQ finalized amendments to its hazardous waste regulations to make them consistent with updated federal requirements for used oil. The amendments: (1) clarify when used oil contaminated with Polychlorinated biphenyls (PCBs) is regulated under RCRA used oil management standards; (2) explain that used oil mixed with conditionally exempt small quantity generator (CESQG) waste is subject to RCRA used oil management standards regardless of how the mixture will be recycled; and (3) explain that an initial marketer of on-specification used oil must keep a record of the shipment of used oil to the facility to which the initial marketer delivers the used oil. The Department published the final regulation in the 20 October 2005 LA Register. The final rule is available at <http://www.deq.louisiana.gov/planning/regs/pdf/HW087FTfin.pdf>. For more information, please contact Judith Schuerman at (225) 219-3550.

(Effective 13 October 2005) LA Department of Environmental Quality Final Emergency Rule: Adoption of Revised 8-Hour Standard (AQ253E) LAC 33:III.111.504, 607, 711, 2201 And 2202). The Department has promulgated an emergency rule to adopt the revised federal 8-hour National Ambient Air Quality Standards (NAAQS) for ozone. This standard replaces the previous 1-hour standard. The rule also revises the non-attainment new source review provisions for parishes that were reclassified from severe under the 1-hour standard to marginal under the 8-hour standard. That rule was renewed effective 13 October 2005. The renewed rule will be published in the 20 November 2005 LA Register. The rule will remain in effect for 120 days or until a new rule is promulgated. The emergency rule is available at <http://www.deq.louisiana.gov/planning/regs/pdf/AQ253E1.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

(Effective 8 October 2005) LA Department of Environmental Quality Final Emergency Rule: Alternative Penalty Assessment Mechanism for Penalty Agreements (OS054E3) (LAC 33:I.801, 803, 805, and 807). LDEQ has re-adopted an emergency rule that provides an alternative penalty assessment mechanism that the department may use, at its discretion, to expedite penalty agreements in appropriate cases. This rule is part of a pilot program and helps LDEQ gather information to formulate a long-term rule. As part of an expedited penalty agreement, the rule allows the Department to assess predetermined penalties for specific types of violations and provides a table that sets out such penalties. The total penalty assessed for an expedited penalty agreement cannot exceed \$1,500 for one violation or \$3,000 for two or more violations per penalty assessed. The rule specifies that an expedited penalty agreement can only be used when nine factors for consideration are satisfied. The emergency rule that was effective 10 February 2005 has been extended, effective 8 October 2005. The emergency rule will remain in effect for a maximum of 120 days or until a permanent rule is promulgated. The most recent version of the rule is available at <http://www.deq.louisiana.gov/planning/regs/pdf/OS054E6.pdf>. For additional information, please contact Mike D. McDaniel at (504) 342-1201.

(Effective 3 October 2005) LA Department of Environmental Quality Final Regulation: Amendments to Add Mercury-Containing Devices and Electronics as Universal Wastes (HW088) (LAC 33:V.109, et al). Because of the very large volume of waste generated by hurricanes Katrina and Rita, LDEQ has promulgated this regulation as an emergency rule. The rule is effective 3 October 2005 and will be in effect for a maximum of 120 days, or until a final rule is promulgated. Under the Emergency Rule, metallic mercury must be recovered, recycled, reused, or sequestered, and not incinerated, landfilled, or released in any way; electronics, including CRTs, must be sent for dismantling and recovery of components, in a way that prevents releases to the environment. The emergency regulation is available at <http://www.deq.louisiana.gov/planning/regs/pdf/HW088E.pdf>. For more information, please contact Judith Schuerman at (225) 219-3550.

(Effective 5 April 2005) LA Department of Environmental Quality Final Regulation: Revisions to the Part 70 General Air Permit Template (0410Pot1). After some months of review, LDEQ finalized a revised template for the Part 70 General Air Operating Permits and comments on the proposed "Facility-Specific

Requirements" section that lists regulations that might apply to a facility that submits an application for the permit. The template was issued with an effective date of 5 April 2005. The final specific requirements of the Part 70 General Air Permit are available at <http://www.deq.louisiana.gov/permits/air/GPSpecific%20Requirements.pdf>. Additional information on the Part 70 Permit, including a statement of basis, is available at <http://www.deq.louisiana.gov/permits/air/index.htm>. For additional information, please call Keith Jordan at (225) 219-3004.

STATE OF LOUISIANA PROPOSED RULES

(NEW) Louisiana Department of Environmental Quality Proposed Amendments: Emissions Inventory Rules (AQ255) (LAC 33:III.919). The Department has proposed amendments to emissions inventory rules prompted by revocation of the 1-hour National Ambient Air Quality Standard (NAAQS), effective 15 June 2005 (69 FR 23858). The proposed rule deletes the term "1-hour" and replaces it with the term "8-hour" to refer to the currently applicable 8-hour ozone NAAQS. The rule also addresses the need for facilities to submit annual emissions inventories under LAC 33:III.5107.A, which enumerates the required number of copies of the annual Certification Statement to be submitted to the department, and revises the requirements for calculations. The Department published the proposed rule in the 20 October 2005 LA Register. A public hearing will be held on 29 November 2005. Comments are due 6 December 2005. Text of the proposed rule is available at <http://www.deq.louisiana.gov/planning/regs/pdf/AQ255pro.pdf>. For additional information, please call Judith Schuerman at (225) 219-3550.

(NEW) Revision of Comprehensive Toxic Air Pollutant Emission Control Program (0509Pot3) (LAC 33:III.Chapter 51, Subchapter A). The Department is soliciting comments regarding the future revision of the state air toxics regulations. Based on ongoing Departmental discussion and comments received, revisions will be proposed to revise dated language and update the Louisiana Ambient Air Quality Standards to ensure protection of human health and the environment by applying the most recent and best scientific data available. The notice of solicitation of comments is available at <http://www.deq.state.la.us/planning/regs/pdf/0509Pot3.pdf>

CREO Comment: At this time, LDEQ is not making any recommendations of its own. If you would like to make any recommendation about their air toxics program, please do so immediately! The comment due date is 20 November 2005.

(UPDATE) LA Department of Environmental Quality Advance Draft Regulation: New Rule to Reduce Particulate Matter Emissions from Abrasive Blasting (0504Pot1) (LAC 33:III.Chap. 13, Subchapter F). LDEQ issued an advance rulemaking draft for public comment that establishes new regulations for the control of particulate matter emissions from abrasive blasting. The draft regulations include guidance regarding materials that are prohibited from use as abrasives, required control equipment, maintenance of control equipment, and recordkeeping requirements. Staff hoped to publish a formal proposal for this rule in the Louisiana Register in August or September 2005. However, the proposal was delayed by the hurricanes but that all that remains is a briefing for the executive staff. Staff expects a formal proposal to be released before the end of 2005. The advance draft is available at <http://www.deq.state.la.us/planning/regs/pdf/0504POT1.pdf>. For additional information, please call Jennifer Mouton at (225) 219-3700.

CREO Comment: All Louisiana installations are encouraged to review this proposed regulation and evaluate the potential for impact on operations.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) LA Department of Environmental Quality Departmental Discussion: Collection of Data for the Regional Haze Plan. Pursuant to the Clean Air Act of 1990, the State must evaluate certain older, large emission units and determine whether these units require the installation of the best emission controls available as part of strategies for meeting the goals of the Regional Haze Program. This requirement, known as the Best Available Retrofit Technology (BART) requirement, applies to emission units (individually or in combination with other such units) built roughly between 1962 and 1977 that have the potential to emit 250 tons per year or more of ammonia, nitrogen oxides (NO_x), particulate matter (PM₁₀), sulfur dioxide (SO₂), and volatile organic compounds (VOCs). The Department will begin a comprehensive query of the Emissions Inventory System (EIS) database to provide preliminary identification of emissions units that are potential BART sources. Staff reports that the Department has a

long-standing emissions inventory. The Implementation and Control Strategies Workgroup of CENRAP has developed a template SIP for the member states. Staff reported that if the Department goes forward with a Regional Haze Plan, it is very likely that the Department would use the workgroup template. Staff reported that the Department is still determining whether Louisiana will be required to formulate a Regional Haze Program because there is only one Class I area in Louisiana and it is unique because it is an island. *For additional information, please contact James J. Orgeron at (225) 219-3550.*

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NEW MEXICO

Legislative/Regulatory Activity

STATE OF NEW MEXICO FINAL RULE

(Effective 30 September 2005) NM Environment Department Final Regulation: Amendments to Regulations for Conformity to the Transportation SIP (20.2.99 NMAC). NMED amended its regulations that govern conformity to the State Implementation Plan (SIP). The amendments incorporate mandatory revisions to the federal Transportation Conformity Rule that include allowances for minor revisions of the 18-month requirement for initial SIP submissions and add a grace period for newly designated non-attainment areas. The revisions also add new 8-hour ozone and PM_{2.5} National Ambient Air Quality Standards. The Department published the final regulations in the 30 September 2005 NM Register. The regulations are effective upon publication. The final amendments are available at <http://www.nmcpr.state.nm.us/nmregister/xvi/xvi18/20.2.99amend.htm>. *For additional information, please contact Gail Cooke at (505) 905-8022.*

STATE OF NEW MEXICO PROPOSED RULE

(UPDATE) Albuquerque/Bernalillo Air Quality Control Board Proposed Regulation Published 15 June 2005: New Regulations for Control of Landfill Emissions and Amendments to New Source Performance Standards (20.11.63 NMAC and 20.11.71 NMAC). The Board proposed new regulations to establish requirements for the control of non-methane organic compound (NMOC) emissions from municipal solid waste landfills. The regulations incorporate applicable federal regulations by reference. In conjunction with the new regulations, the Board proposes the adoption of a local implementation plan for the control of NMOC from municipal solid waste landfills in Bernalillo County. The Board also proposed amendments to its new source performance standards for stationary sources. The amendments delegate authority to the Board to administer regulations that govern standards of performance for municipal solid waste landfills and that govern emissions guidelines and compliance times for municipal solid waste landfills. The Board held a public hearing 9 November 2005. Comments were due on 2 November 2005. *For additional information, please contact Neil Butt at (505) 768-2600.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(Effective 5 December 2005) EPA Direct Final Rule: Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Bernalillo County, NM. EPA is approving three negative declarations submitted by the City of Albuquerque (Bernalillo County) certifying that there are no existing sources subject to the requirement of sections 111(d) and 129 of the Clean Air Act under their jurisdiction. These three negative declarations are for Sulfuric Acid Mist Emissions from Sulfuric Acid Plants, Fluoride Emissions from Phosphate Fertilizer Plants, and Total Reduced Sulfur Emissions from Kraft Pulp Mills. This is a direct final rule action without prior notice and comment because this action is deemed non-controversial. This direct final rule is effective on 5 December 2005 without further notice, unless EPA receives adverse comment by 3 November 2005. If EPA receives such comment, EPA will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/October/Day-04/a19878.htm>.

(NEW) NM Environmental Department Discussion: The New Mexico Plan to Comply with EPA's Clean Air Mercury Rule. The Department is discussing how New Mexico should comply with EPA's Clean Air Mercury Rule (CAMR) that aims to reduce mercury emissions from coal-fired power plants. The rule consists of a permanent cap on mercury emissions as well as subsequent emissions reductions. The Federal Rule requires NM to submit a compliance plan by 17 November 2006. The Department discussed options for compliance at a public meeting on 28 October 2005. *For additional information, please contact Rita Trujillo at (505) 955-8024.*

STATE OF OKLAHOMA LEGISLATIVE INTERIM COMMITTEE

Oklahoma Interim Study on Eminent Domain: Eminent Domain/Takings. The Interim Committee to Study Eminent Domain Issues held its second meeting on 27 October 2005. The Committee heard presentations from the Oklahoma Farm Bureau and the Oklahoma Municipal League regarding eminent domain. The Committee held its first meeting on 4 October 2005. The meeting was primarily organizational in nature. The Committee received an overview of current state law regarding eminent domain, such as the Oklahoma Urban Renewal Law and the Oklahoma Redevelopment Act, from the Center for Economic Development Law. The Committee was created by Senate President Pro Tempore Mike Morgan (D) in response to the US Supreme Court ruling for the case of *Kelo v. New London* on 23 June 2005. The Committee will be charged with constructing legislation that will narrowly define when eminent domain is appropriate. The Committee will be composed of the entire Senate Judiciary Committee, as well as several additional Senators. Senator Charlie Laster (D), the Judiciary Committee Chairman, and Senator Daisy Lawler (D), the Senator who requested the study, will co - chair the Committee. Additional members of the Committee include Senators Bernest Cain (D), the Vice Chair, Randy Bass (D), Brian Crain (R), Cal Hobson (D), Todd Lamb (R), Richard Lerblance (D), Scott Pruitt (R), James Williamson (R), Johnnie Crutchfield (D), Mary Easley (D), Debbe Leftwich (D), and Frank Shurden (D).

STATE OF OKLAHOMA PROPOSED RULES

(UPDATE) **OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Water Pollution Control Facility Requirements (OAC 252:656).** ODEQ has proposed amendments to its water pollution control facility construction regulations to revise the procedures for wastewater treatment and collection system construction. The amendments also clarify requirements associated with construction at water pollution control facilities. The Amendments were submitted for executive and legislative review on 31 August 2005, notice of submission was published in the 3 October 2005 OK Register. The amendments are scheduled to become effective 15 June 2006 after review by the 2006 Oklahoma Legislature. *For additional information, please contact Don Maisch at (405) 702-7189.*

(UPDATE) **OK Department Of Environmental Quality Proposed Regulation Published 15 June 2005: Amendments to New Source Review Regulations (OAC 252:100-1-3, 252:100-8, 252:100-37-2, 252:100-39-2).** The Department has proposed revisions to its New Source Review (NSR) regulations that update the regulations with new federal requirements. The proposed amendments to the regulations: (1) revise the method for determining whether a modification to an NSR source qualifies as a major modification; (2) add Clean Unit Exclusions, Pollution Control Project Exclusions, and Plantwide Applicability Limitations Exclusions for the NSR regulations; (3) revise the Volatile Organic Compound definition to update it with the new federal definition; and (4) revoke the 1-hour Ozone standard from the Primary and Secondary Ambient Air Quality standards. Staff reports that the public hearing was continued to the 19 October 2005 Air Quality Council meeting and that the proposed rules have been revised. In addition, there were several comments that addressed the differences between the OK rule and federal regulations. The Air Quality Council will review revised proposed rules at its 18 January 2006 meeting. The proposed rules are available at http://www.deq.state.ok.us/AQDnew/whatsnew/8P1_7_9_080505.pdf. *For additional information, please contact Scott Thomas at (405) 702-4100.*

(UPDATE) **OK Department of Environmental Quality Proposed Regulation Published 1 March 2005: Amendments to Radiation Machine Fees (OAC 252:410-3).** ODEQ has proposed amendments to its regulations that govern radiation management. The amendments revoke the current Appendix A and add a new, more detailed Appendix A that increases fees that the Department charges for permit applications and for permit renewals for radiation machines. The amendments also add language to Subchapter 3 to clarify that fees are due annually on the last day of the month in which a permit was issued. Staff reports that revision of the proposed amendments is complete. Rules await legislative and executive review in the Spring of 2006. Staff anticipates an effective date in July 2006. The draft Appendix A and revisions to Subchapter 3 are available at <http://www.deq.state.ok.us/LPDnew/Draft%20Rules/Rad/APPENDIX%20A%20proposed%20new%2011-18-04.doc>

and <http://www.deq.state.ok.us/LPDnew/Draft%20Rules/Rad/Text%20SC%203-3%2012-8-04.doc>. For additional information, please call Pam Bishop at (405) 702-5100.

(UPDATE) OK Department of Environmental Proposed Regulation Published 1 September 2005: Revisions to the Hazardous Waste Regulations through the Adoption of Federal Amendments (OAC 252:205-1, 205-3, 205-5, 205-9, 205-15, 205-17, 205-19, 205-21, 205-23). ODEQ has proposed amendments to the hazardous waste regulations. The amendments: (1) update the federal reference to federal hazardous waste regulations to incorporate revisions through 1 July 2005; (2) incorporate federal amendments that took effect after 1 July 2005; (3) eliminate rules that pertain to revoked statutes; (4) update regulatory citations for other Department rules; and (5) make minor formatting changes. The Department held a public hearing on 6 October 2005, and is scheduled to hold another on 15 November 2005. The proposed amendments are posted at <http://www.deq.state.ok.us/LPDnew/LPProprules.htm> under notice of rule making. For additional information, please call Jon Roberts at (405) 702-5184.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(Effective 5 December 2005) EPA Direct Final Rule: Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Plan for Controlling Emissions From Commercial and Industrial Solid Waste Incineration Units. EPA is taking direct final action on the "State Plan" submitted by the state of Oklahoma on 29 June 2005, to fulfill the requirement of sections 111(d) and 129 of the Clean Air Act for commercial and industrial solid waste incineration (CISWI) units. The State Plan provides for the implementation and enforcement of the Emissions Guidelines, as promulgated by EPA on 1 December 2000, applicable to existing CISWI units for which construction commenced on or before 30 November 1999. The State Plan establishes emission limits, monitoring, operating, and recordkeeping requirements for commercial and industrial solid waste incinerator (CISWI) units for which construction commenced on or before 30 November 1999. This direct final rule is effective on 2 December 2005 without further notice, unless EPA receives adverse comment by 3 November 2005. If EPA receives such comment, EPA will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/October/Day-04/a19838.htm>.

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TEXAS

Legislative/Regulatory Activity

STATE OF TEXAS FINAL RULE

(Effective 20 October 2005) TX Commission on Environmental Quality Final Rule Published 8 April 2005: Revisions to Sludge Regulations (30 TAC 312). The Commission finalized a rulemaking to amend its sludge regulations. The amendments reflect changes made to the sludge provisions of the Texas Health and Safety Code by HB 2546, update application, and permit requirements for the use, processing, storage, disposal, and transportation of municipal sewage sludge, water treatment sludge, and domestic septage. The rules include a new subchapter 37 that establishes financial assurance requirements for Class B sewage sludge commercial liability insurance and environmental impairment insurance. Adoption of the rules was approved at the 28 September 2005 meeting. The rules will be published in the TX Register with an effective date of 20 October 2005. The final chapters 37 and 312 are available at http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/0305503_7_ado-clean.pdf and http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/0305531_2_ado-clean.pdf. For additional information, please contact Debi Dyer at (512) 239-3972.

STATE OF TEXAS PROPOSED RULES

(NEW) TX Commission on Environmental Quality Proposed Rules: FutureGen / Clean Coal Project (30 TAC 91, 50, 55, 116, 331). TCEQ is proposing new and amended rules regarding the newly established FutureGen/Clean Coal projects program. Pursuant to HB 2201, 79th Legislature (2005), the Commission was granted the authority to establish rules for FutureGen projects. Perhaps the most notable feature of the proposed rules is that permits for FutureGen projects are not subject to the contested case hearing process. Other proposed revisions

include a reference to the new 30 TAC Chapter 91 that establishes a streamlined process for applications required to authorize a component of the FutureGen process. Corresponding amendments include changes to 30 TAC Chapter 50, Action on Applications and Other Authorizations; 30 TAC Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment; Chapter 91, Alternative Public Notice and Public Participation Requirements for Specific Designated Facilities; 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification; and 30 TAC Chapter 331, Underground Injection Control. The Commission will hold a hearing on 20 December 2005. Comments are due by 27 December 2005. The Commissioners are set to review the proposed rules at the 9 November 2005 meeting. Text of the proposed rules in each affected chapter of 30 TAC are available at http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/0505303_9_pro.pdf, http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/0505305_0_pro.pdf, http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/0505305_5_pro.pdf, http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/0505309_1_pro.pdf, http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/0505311_6_pro.pdf, and http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/0505333_1_pro.pdf. For additional information, please contact Michael Wilhoit at (512) 239-1222.

(UPDATE) TX Commission on Environmental Quality Proposed Regulation: Updates to Federal New Source Review Permitting in State Implementation Plan (30 TAC 116). TCEQ has proposed rulemaking to update federal New Source Review permitting in the State Implementation plan (SIP). The updates revise permitting requirements for additional flexibility in the application of federal PSD and non-attainment permit programs administered by the Commission. Specific areas addressed include: (1) plant-wide applicability limits; (2) actual to projected actual emission testing; (3) emission baseline determination; and (4) the pollution control project standard permit. The proposal would also re-organize portions of Chapter 116 to allow the inclusion of the proposed new sections. The Commissioners completed review of the proposed rule on 14 September 2005. The Commission held a public hearing on 27 October 2005. Comments were due on 31 October 2005. The proposed rule is available at http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/0501011_6_pro-clean.pdf. For additional information, please contact Robert Cameron at (512) 239-1498.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) TX Commission on Environmental Quality Departmental Discussion: Revision of the Administrative Penalty Policy. TCEQ is planning a revision of its administrative penalty policy because of the enforcement review process conducted in 2004. The Commission plans to establish a standard penalty structure for violations. Staff reports that the Commission planned to hold stakeholder meetings in March and April 2005. The Commission has cancelled stakeholder meetings to gather input regarding the penalty policy. Meetings have been rescheduled for 10 November and 1 and 5 December 2005. For additional information, please contact Anne Dobbs at (512) 239-6012.

(UPDATE) TX Commission on Environmental Quality Departmental Discussion: Potential Amendments to the Ground Level Concentrations for Particulate Matter (30 TAC 111.155). The Commission is discussing potential amendments to the allowable ground level concentrations for the emissions of particulate matter for non-agricultural sources. The current ground level concentrations are 200 micrograms per cubic meter averaged over any 3 consecutive hours and 400 micrograms per cubic meter averaged over any 1 hour period. Pursuant to a rulemaking petition filed by Baker Botts LLP, the Commission is now proposing repeal of 111.155 and a corresponding revision to the Texas SIP because the methodology provided in 111.155 is based on scientifically unsound principles. The Commission found that existing National Ambient Air Quality Standards (NAAQS) for Particulate Matter are better suited to address the health concerns associated with this type of pollution. The Commission is expected to address the proposed rule at the 9 November 2005 meeting. The Commission will hold a hearing on 15 December 2005. Comments are due on 13 January 2006. The proposed repeal rationale is available at http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/0501311_1_pro.pdf. For additional information, please contact Kathy Singleton at (512) 239-6098.

CREO Comment: Installations are encouraged to review these amendments for potential impact to maneuver and field training.

(Effective 6 October 2005) Final Rule: Approval and Promulgation of Air Quality Implementation Plans; Texas Low-Emission Diesel Fuel Program. EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Texas making changes to the Texas Low-Emission Diesel (TXLED) Fuel program.

With one exception, the changes are either administrative in nature, clarify existing provisions, add more specific reporting and recordkeeping requirements, or update references. These changes meet section 110(l) of the Federal Clean Air Act (the Act) because they improve the quality of the SIP and make it more enforceable. The substantive change is the repeal of the state sulfur standard. This repeal does not change the ultimate requirements regarding the reductions to be achieved because Texas did not rely upon the sulfur standard when EPA originally approved the program as part of the Houston ozone attainment demonstration SIP. Moreover, there are no sulfur dioxide (SO₂) or particulate matter (PM) non-attainment areas in the affected area and no monitored violations. As a result, in accordance with section 110(l) of the Act, this removal will not interfere with attainment of the National Ambient Air Quality Standards (NAAQS), Rate of Progress, reasonable further progress, or any other applicable requirement of the Act. Under section 553(d)(1) of the Administrative Procedure Act, EPA is making this action effective upon publication because it relieves a restriction. This rule is effective on 6 October 2005. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/October/Day-06/a20108.htm>.

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REGION 7 STATE ACTIVITY

Regulatory & Legislative Web Sites	
Iowa Department of Natural Resources (IDNR)	http://www.iowadnr.com/
Iowa General Assembly	http://www.legis.state.ia.us/
Kansas Department of Health and Environment (KDHE)	http://www.kdhe.state.ks.us
Kansas Legislature	http://www.kslegislature.org/cgi-bin/index.cgi
Missouri Department of Natural Resources (MDNR)	http://www.dnr.state.mo.us/homednr.htm
Missouri General Assembly	http://www.moga.state.mo.us/
Nebraska Department of Environmental Quality (NDEQ)	http://www.deq.state.ne.us
Nebraska Legislature	http://www.unicam.state.ne.us/

State Environmental Assessment Summary (SERAS). Now available on Denix, SERAS for the states of Iowa, Kansas, Missouri, and Nebraska present the most recent information regarding the 2005 legislative and regulatory agency information. For more information, please go to https://www.denix.osd.mil/denix/State/Webnotes/show_index.cgi/denix/State/Partnering/REC/Discussion/discussion.html?state.partnering.rec.discuss.

IOWA

Legislative/Regulatory Activity

STATE OF IOWA PROPOSED RULE

(UPDATE) **A Department of Natural Resources Draft Regulation: Termination of Notice of Intended Action, New Source Review Reform Regulations (567 IAC 20, 22, 31, 33).** IDNR proposed revisions to adopt the New Source Review Reform regulations. Five elements of the major NSR program are affected by this rulemaking. These elements include the procedure for calculating baseline actual emissions, actual-to-projected actual emissions calculation methodology, plant wide applicability limitations (PALs), emissions units that have been designated as Clean Units and pollution control projects (PCPs). This rulemaking also adds a new definition of "regulated NSR pollutant" that clarifies which pollutants are regulated for the purposes of major NSR. The Environmental Protection Commission (EPC) announced its termination of Notice of Intended Action 12 October 2005. A federal court vacated several of the NSR Reform provisions upon which this rulemaking was based. Because the Department had not received any guidance from EPA on how to proceed prior to 23 September 2005, the EPC was forced to terminate its Notice of Intended Action. The Department has indicated that it will begin working on a new Notice of Intended Action once guidance from EPA becomes available. For additional information, please go to <http://www.iowadnr.com/air/prof/const/nsrreform.html>, <http://www.iowadnr.com/epc/05jan/12.pdf>, and <http://www.legis.state.ia.us/Rules/Current/Bulletin/IAB050216.pdf> (page 21 of 92). For additional information, please contact Jim McGraw at (515) 242-5167.

STATE OF KANSAS PROPOSED LEGISLATION

(NEW) **Kansas H.B. 2543 - Eminent Domain/Takings.** Kansas H.B. 2543 restricts cities and counties from using eminent domain for economic development purposes. The bill was prefiled on 7 October 2005 for introduction in the 2006 session. Legislators across the states have begun introducing bills in response to the United States Supreme Court ruling in the case of *Kelo v. New London (Connecticut)*. In a 5-4 split ruling that holds major implications nationwide for property rights and redevelopment issues, the Supreme Court upheld the decision of the lower court that a jurisdiction may utilize the power of eminent domain for the sole purpose of economic development. Sponsor: Representative Tom Holland (D)

STATE OF KANSAS FINAL RULE

(11 August 2005) KS Water Office Proposed Revisions: Changes to Five Western Kansas River Basins Sections of the Kansas Water Plan. The Kansas Water Office is proposing revisions to the five western Kansas river basins section of the Kansas Water Plan, to be considered at public hearings held in conjunction with the Basin Advisory Committee meetings. The revisions include (1) a procedural change to allow greater flexibility in providing updated priority area maps used to define aquifer subunits for managements priorities and goals; and (2) updates to the Upper Arkansas River Quality and Streamflow priority issue of the Upper Arkansas Basin Section, including a new EPA-approved standard for sulfate. Text of the proposed revisions is available upon request. Department staff indicates that the proposed changes were approved and adopted by the KS Water Office on 11 August 2005. A copy of the revised KS Water Plan reflecting the approved changes can be found at <http://www.kwo.org/KWP/KWP.htm>. For additional information, please contact Susan Strover at (785) 296-0877.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) **KS Water Office Policy Study Recommendations: Water Conservation.** The Office accepted public comment on the recommendations of a policy study on water conservation, as part of the Kansas Water Plan. The policy study included an analysis of the State's Role in Water Conservation, Water Conservation and Use Efficiency Effectiveness, Water Conservation Goals among others. Comments on the study were accepted up to 24 October 2005. A copy of the study can be found here: http://www.kwo.org/KWP/Rpt_Water_Consevation_prelim_draft_062205_dc.pdf. For more information, please contact Susan Metzger at (785) 296-3185.

(NEW) **KS Water Office Policy Study Recommendations: Small Dam Safety and Rehabilitation.** The Office is accepting public comment on the recommendations of the Small Dam Safety and Rehabilitation policy study. Recommendations include a KS Legislature appropriation to the State Conservation Commission, as well as recommendations addressing minimizing future dam hazard class changes and providing long-term state financial assistance for small dam repairs and upgrades. Comments on the study were accepted up to 24 October 2005. A copy of the study can be found here: http://www.kwo.org/KWP/Rpt_dam_rehab_working_draft_072005_twl.pdf. For more information, please contact Tom Lowe at (785) 296-3185

(NEW) **KS Water Office Policy Study Recommendations: Public Involvement in the Water Planning and Implementation Process.** The Office is accepting public comment on the recommendations of a policy study on Public Involvement in the Water Planning and Implementation Process. The issues examined in the study include: (1) the types of public involvement needed for the State to carry out its responsibilities in basin planning, policy planning, project implementation and program administration; and (2) the best approaches for acquiring the needed input. Comments on the study were accepted up to 24 October 2005. A copy of the study can be found here: http://www.kwo.org/KWP/Rpt_Public_Input_Preliminary_KWA_072505_sh.pdf. For more information, please contact Steve Hurst at (785) 296-3185.

STATE OF MISSOURI FINAL RULE

(Effective 30 November 2005) MO Department of Natural Resources Final Rule Published 3 October 2005: Adoption by Reference of Federal Emission Standards (2656, 2658, & 2659) (10 CSR 10-6.070, 10-6.075 & 10-6.080). MDNR adopted by rulemaking two, four, seven, and ten year Maximum Achievable Control Technology (MACT) standards. The rulemaking also adopts performance criteria for new or modified stationary sources of hazardous air pollutants. The Department published the final rules in the 3 October 2005 MO Register. The rules will become effective on 30 November 2005. The final versions of 10 CSR 10-6.070 and -6.075 remain unchanged from proposed rules on pdf pages 27-31 of the 1 April 2005 MO Register, available at <http://www.sos.mo.gov/adrules/moreg/current/2005/v30n7/v30n7b.pdf>. The final version of 10-6.080 is available on page 7 of the pdf version of the 3 October 2005 MO register, available at <http://www.sos.state.mo.us/adrules/moreg/current/2005/v30n19/v30n19c.pdf>. For additional information, please contact Don Cripe at (573) 751-4817.

STATE OF MISSOURI PROPOSED RULES

(NEW) MO Department of Natural Resources Proposed Rule: Modification of Hazardous Waste Manifest System (2886) (10 CSR 25-5.262). The Department is drafting amendments to its hazardous waste manifest system that provide for a standardization of manifest forms according to federal requirements. This allows hazardous waste transporters who operate in several states to use the same form in each, simplifying their operations. The Department will hold a public hearing on 9 December 2005. Comments are due on 17 December 2005. Staff report that proposed amendments will be released for public review in January or February 2006. A summary of proposed rule changes is available at <http://www.dnr.mo.gov/regs/lnDe2886.htm>. For additional information, please contact Tim Eiken at (573) 751-3176.

(NEW) MO Department of Natural Resources Proposed Amendments: Hazardous Waste Combustors Maximum Achievable Control Technology (MACT) (2887) (10 CSR 25-16.273). MDNR is drafting amendments concerning hazardous waste combustion that cover MACT requirements for hazardous waste combustors (HWC). The amendments implement changes to federal regulations listed in 40 CFR parts 264, 265, 266, and 270 and result in the state regulations mirroring the federal regulations. Moreover, they provide for a smoother transition from RCRA requirements to HWC MACT requirements for Hazardous Waste incinerators. The Department will hold a public hearing on 9 December 2005. Comments are due by 17 December 20/05. Staff report that proposed amendments will be released for public review in late January or February 2006. A summary of proposed rule changes is available at <http://www.dnr.mo.gov/regs/lnDe2887.htm>. For additional information, please contact Tim Eiken at (573) 751-3176.

(NEW) MO Department of Natural Resources Proposed Amendment: Universal Waste, Lamps, Electronics Rules (2880) (10 CSR 25-16.273). The Department is drafting amendments concerning universal waste definitions to correct errors made when the state adopted the federal listing of fluorescent lamps as universal waste and also add other electronic wastes to the definition of universal waste. When Missouri adopted the listing of lamps as universal waste contained in the federal rule, in an effort to remove a reference to the state definition and instead reference the federal definition, references to the state definition of universal waste were removed. The result was that a situation in which lamps are excluded from the definition of universal waste in the state rule was inadvertently created. The addition of electronics wastes to the universal waste rule legitimizes the management requirements for manufacturers of E-waste throughout the state. Missouri facilities that replace or upgrade used hazardous waste lamps or electronic devices currently must manage those wastes under RCRA Subtitle C regulation if the wastes contain lead or mercury. Many Missouri facilities that would not otherwise be classified as hazardous waste generators are therefore required to undergo significant technical and paperwork burdens largely or solely because they replace or upgrade used hazardous waste lamps or electronic devices. Under the amendments, these facilities will now be able to avoid the stricter, more burdensome Subtitle C regulation by managing their discarded lamps and electronic devices as universal wastes. The Department will hold a public hearing on 9 December 2005. Comments are due by 17 December 2005. Staff report that proposed amendments will be released for public review in late spring or early summer 2006. A summary of rule amendment changes is available at <http://www.dnr.mo.gov/regs/lnDe2880.htm>. For additional information, please contact Tim Eiken at (573) 751-3176.

(NEW) Missouri Department of Natural Resources Proposed Rule: Control of Emissions from Solvent Metal Cleaning (10 CSR 10-0.5300). MDNR has proposed rule amendments regarding control of emissions from solvent metal cleaning activities. The proposed rule amendment addresses industry concerns about provisions in the solvent metal cleaning rule applicable to the St. Louis metropolitan area. The proposed rule also specifies equipment, operating procedures and training requirements for the reduction of volatile organic compound emissions from solvent metal cleaning operations in the St. Louis metropolitan area. The proposed amendment also addresses industry concerns about provisions in the current rule related to enforcement and compliance. The Department is reviewing proposed rule language and expects to hold a hearing in March 2006. *For additional information, please contact Bruce Volner at (573) 751-4817*

(UPDATE) MO Department of Natural Resources Proposed Rule: Amendments to Transportation Conformity Regulations (10 CSR 10-2.390 and 10-5.480). The Department has issued draft proposals that amend the transportation conformity regulations for Kansas City and St. Louis. The amendments revise the regulations to update recent changes to the federal transportation conformity rules. The updates include new transportation conformity standards for 8-hour ozone and PM_{2.5}. The Department filed the rulemaking with the Secretary of State for publication on 3 October 2005. Publication is expected before the end of 2005. The Department expects the amendments to take effect on 30 December 2005. The proposed rules are in the Proposed Rules section of the 2 May 2005 Missouri Register, available at <http://www.sos.mo.gov/adrules/moreg/current/2005/v30n9/v30n9c.pdf>. *For additional information, please contact Don Cripe at (573)751-4817.*

(UPDATE) MO Department of Natural Resources Draft Regulation: Amendments to NO_x Emissions Testing Methods (2760) (10 CSR 010-5.510). MDNR has issued initial draft of amendments to its regulations that govern the control of Nitrogen Oxides (NO_x) emissions. The amendments specify that Method 19 (the method already used by industry) can be used to calculate heat input specific emission rates for demonstration of compliance. These amendments also serve to eliminate the current requirement for the submission of a written request to the Department for permission to use Method 19. The Department published the proposed rule in the 3 October 2005 MO Register. The Department will hold a hearing on 8 December 2005 and comments are due by 15 December 2005. The proposed rule is available at <http://www.sos.state.mo.us/adrules/moreg/current/2005/v30n19/v30n19b.pdf>. *For additional information, please contact Bruce Volner at (573) 751-4817.*

(UPDATE) MO Department of Natural Resources Preliminary Regulation: Initial Draft of Revisions to New Source Review Regulations (2698) (10 CSR 10-6.060). The Department has issued a preliminary draft of revisions to its New Source Review (NSR) regulations. The revisions update the following provisions: (1) Baseline emissions determination; (2) Actual-to-future actual methodology; (3) Plantwide applicability limitations; (4) Clean units; and (5) Pollution control projects. Note that the Department will also amend corresponding references in 10 CSR 10-6.100. The Department plans to file the proposed rule on 15 November 2005. Publication is expected in the 15 December 2005 version of the MO register. Hearing dates and comment period will be announced at that time. The preliminary draft is available at <http://www.dnr.state.mo.us/alpd/apcp/Rules/RID/6-060/6-060drt.pdf>. *For additional information, please contact Rick Campbell at (573) 751-4817.*

(UPDATE) MO Department of Natural Resources Draft Regulation: Amendments to Ambient Air Quality Requirements for Ozone and Particulate Matter (0767, 0768, 0769, 0770) (10 CSR 10-6.010, 10-6.020, 10-6.030 and 10-6.040). The Department is drafting amendments to its ambient air quality standards. The rulemaking incorporates new and revised federal standards for ozone and particulate matter, including the addition of PM_{2.5} as a type of particulate matter. The amendments also update sampling and testing methods for ambient air quality standards. The Department's timeline for further action is as follows: expected agency adoption 27 October 2005; tentative legislative review 1 December 2005; tentative filing with Secretary of State 1 December 2005; tentative effective date of amendments 28 February 2006. The proposed amendments are in the Proposed Rules section of the 15 August 2005 Missouri Register, available at <http://www.sos.mo.gov/adrules/moreg/current/2005/v30n16/v30n16a.pdf>. *For additional information, please contact Paul McConnell at (573) 751-4817.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) Missouri Department of Natural Resources: New Compliance Assistance System.

The Missouri Department of Natural Resources (MDNR) has launched a new "Compliance Assistance Initiative" to assist citizens, communities, and businesses that are issued permits, licenses, certifications, and registrations from the divisions within MDNR in order to improve environmental compliance. In the first phase of the new initiative, the Department will visit land disturbance sites, newly permitted air sources, limestone quarries, hazardous waste generators and drinking water facilities where permit actions are anticipated. MDNR will guide permittees through their unique permit requirements and provide compliance assistance rather than conduct formal inspections. The Department expects to conduct about 250 assistance visits in November. This type of visit will become routine starting in January 2006. *For more information, please call MDNR's main number at (573) 751-3443.*

(NEW) Missouri Department of Natural Resources Departmental Discussion: Control of NO_x Emissions from Upwind Sources (2863) (10 CSR 10-6.345).

The Department is discussing proposal of a new rule regarding NO_x emissions from upwind sources in the St. Louis area. The proposed rule would protect the air quality in the St. Louis area by addressing NO_x sources proposed for construction outside and upwind of the St. Louis non-attainment area. The rule would cover large NO_x sources in upwind and outside the St. Louis 8-hour ozone non-attainment area that are expected to have the potential to affect air quality in the area. The department has tentative plans to issue public notice of a proposed rule in Winter 2006. A summary of potential proposed rule topics is available at <http://www.dnr.mo.gov/regslnd/2863.htm>. *For additional information, please contact Paul Myers (573) 751-4817.*

(UPDATE) MO Department of Natural Resources Workgroup: Open Burning Regulation

Workgroup (10 CSR 010-2.100, 10 CSR 10-3.030, 10 CSR 10-4.090, 10 CSR 10-5.070). The Department has formed an open burning workgroup to examine the Department's open burning regulations as a precursor to potential rule changes. The Department would like to improve the regulations by: (1) reducing inconsistencies between regional and local regulations; (2) making the regulations more flexible when appropriate; and (3) clarifying the intent of the regulations. The Department will hold additional workgroup meetings, open to the public, on 1 December 2005 and subsequent dates, as yet to be determined. Staff expects that after 2-3 more meetings the Department will be in a position to decide whether to proceed with rulemaking. Public notice, if any, is expected no earlier than early Spring 2006. Updates of Open Burning Workgroup activity are available at http://www.dnr.mo.gov/alpd/apcp/open_burning/open_burning.htm. *For additional information, please contact Paul Myers (573) 751-4817.*

(UPDATE) MO Department of Natural Resources Departmental Discussion: Amendments to Water Quality Standards Nutrient Criteria, Wetlands Classification and Anti-degradation.

The Department is discussing potential amendments to the state water quality standards. The discussion includes the following issues: (1) nutrient criteria; (2) anti-degradation; (3) wetlands classification and use designations; and (4) standards for unclassified waters. The Department held a meeting for the nutrient criteria stakeholders group on 18 October 2005. The Department has created a draft plan for developing nutrient criteria, available at <http://www.dnr.state.mo.us/wpscd/wpcp/wqstandards/missouri-nutrient-criteria-plan.pdf>. *For additional information, please contact Phil Schroeder at (573) 751-6825.*

EPA Proposed Action: Partial Approval and Partial Disapproval of Implementation Plans; State of

Missouri. This action proposes to partially approve and partially disapprove a State Implementation Plan (SIP) submission by the state of Missouri, which revises the Restriction of Emission of Sulfur Compounds rule. The Missouri rule establishes general requirements for emissions of sulfur compounds from various source categories, and establishes specific emissions requirements for certain named sources. EPA proposes to approve most of the revisions to the rule because they involve clarifications, updates, and other improvements to the current rule. This proposed action does not include a portion of the rule that regulates ambient concentrations of sulfur compounds, because this provision is not in the current SIP, and EPA does not directly enforce Missouri's Air Quality Standards. EPA proposes to disapprove revisions to two source-specific references because the state has not demonstrated that the revisions are protective of the short-term SO₂ National Ambient Air Quality Standards (NAAQS). Comments must be received on or before November 2, 2005. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/October/Day-03/a19711.htm>.

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STATE OF NEBRASKA FINAL RULE

(Effective 25 September 2005) NE Department of Environmental Quality Final Regulation:

Amendments to VOC Definition and MACT Standards (Title 129, Chapters 1, 17, and 28). NDEQ finalized amendments to its air quality regulations to adopt recent federal-level revisions and to make additional changes. The amendments update the definition of Volatile Organic Compounds (VOC) to reflect changes to the federal definition of regulated VOCs. The amendments also clarify construction permit application fee rules and add a recently adopted state statutory permit fee structure. Additionally, the amendments adopt revisions to federal Maximum Achievable Control Technology (MACT) standards by reference. The amendments also add an exception to the open fire ban to allow fires used for religious activities. The regulations were revised effective 25 September 2005. The final rules are available at <http://www.deq.state.ne.us/RuleandR.nsf/dd5cab6801f1723585256474005327c8/1208d973cf94db37862565e70076e6b8?OpenDocument>, <http://www.deq.state.ne.us/RuleandR.nsf/dd5cab6801f1723585256474005327c8/032911c3adeedb60862565e700786e6c?OpenDocument>, and <http://www.deq.state.ne.us/RuleandR.nsf/dd5cab6801f1723585256474005327c8/df5075fcfd15ea2f862565e7007966d2?OpenDocument>. For additional information, please contact Thomas Lamberson at (402) 471-2186.

STATE OF NEBRASKA PROPOSED RULE

(NEW) NE Department of Environmental Quality Proposed Rules: Surface Water Quality Standards (Ch. 117) and Ground Water Quality Standards (Title 117 and 118). The Department has proposed three major revisions to the Surface Water Quality Standards include: The first removal revision is the high flow exception language in Chapter 2. This provision was disapproved by USEPA after adoption by the EQC three years ago and has no current effect. NDEQ is obligated to remove this non-functional language. The second revision is the establishment of nutrient criteria for lakes and impounded waters. Nutrient criteria are required under Section 304(a) of the Clean Water Act (CWA) and states are required to adopt a form of these criteria that is scientifically justified. NDEQ believes these criteria satisfy this requirement for lakes and reservoirs. The impact of this revision will be that the Department will have numerical metrics by which to determine if lakes support designated uses and establish goals for those that are impaired. The third revision is the designation of additional 212 stream segments for the Primary Contact Recreation (PCR) use. In its review of Nebraska's Standards, EPA concluded that the designation of this use did not follow the CWA and proper procedures contained in federal regulations. PCR is a 101(a) use specified in the Act; thus, it must be designated by default on every segment. NDEQ agreed to review its previous designations or lack thereof and make adjustments as needed. This revision is the result of the effort that determined which stream segments would qualify for non-designation of the use through Use Attainability Analyses. The Department has also proposed amendments to its Ground Water Quality Standards. Proposed changes include a reduction in allowable Arsenic levels (from 0.05 mg/l to 0.01 mg/l) and the addition of a Uranium standard (0.03 mg/l). NDEQ has placed the proposed rules on the agenda for the Environmental Quality Commission (EQC) hearing in December 2005. Text of proposed Surface Water Quality amendments is available at <http://www.deq.state.ne.us/Proposed.nsf/Pages/117-09-2005>. Text of proposed Ground Water Quality amendment is available at [http://www.deq.state.ne.us/Proposed.nsf/23e5e39594c064ee852564ae004fa010/6bc73245c8d62c2a8625685c00663fff/\\$FILE/Rev05%20T118CH04.pdf](http://www.deq.state.ne.us/Proposed.nsf/23e5e39594c064ee852564ae004fa010/6bc73245c8d62c2a8625685c00663fff/$FILE/Rev05%20T118CH04.pdf). For additional information, please contact John Bender at (402) 471-4201.

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FEDERAL ACTIONS

EPA FINAL RULES

(Effective 12 December 2005) National Emission Standards for Hazardous Air Pollutants: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II). This action finalizes national emission standards (NESHAP) for hazardous air pollutants for hazardous waste combustors (HWCs): hazardous waste burning incinerators, cement

kilns, lightweight aggregate kilns, industrial/commercial/institutional boilers and process heaters, and hydrochloric acid production furnaces. EPA has identified HWCs as major sources of hazardous air pollutant (HAP) emissions. These standards implement section 112(d) of the Clean Air Act (CAA) by requiring hazardous waste combustors to meet HAP emission standards reflecting the performance of the maximum achievable control technology (MACT). The HAP emitted by HWCs include arsenic, beryllium, cadmium, chromium, dioxins and furans, hydrogen chloride and chlorine gas, lead, manganese, and mercury. This action also presents EPA's decision regarding the 28 February 2002 petition for rulemaking submitted by the Cement Kiln Recycling Coalition, relating to their implementation of the so-called omnibus permitting authority under section 3005(c) of the Resource Conservation and Recovery Act (RCRA). That section requires that each permit issued under RCRA contain such terms and conditions as permit writers determine to be necessary to protect human health and the environment. The final rule is effective 12 December 2005. The incorporation by reference of Method 0023A into Sec. 63.14 is approved by the Director of the Federal Register as of 12 December 2005. For more information, please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-18824.htm>.

(Effective 5 October 2005) Munitions Response Site Prioritization Protocol. The DoD is promulgating the Munitions Response Site (MRS) Prioritization Protocol (MRSP) as a rule. This rule implements the requirement established in section 311(b) of the National Defense Authorization Act for Fiscal Year 2002 for the Department to assign a relative priority for munitions responses to each location (hereinafter MRS) in the Department's inventory of defense sites known or suspected of containing unexploded ordnance (UXO), discarded military munitions (DMM), or munitions constituents (MC). This rule is effective 5 October 2005. For more information, please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-19696.htm> or <http://frwebgate.access.gpo.gov/cgi-bin/multidb.cgi> (fr05oc05R Munitions Response Site Prioritization Protocol).

(Effective 14 November 2005) Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution. This final rule revises several provisions of the General Pretreatment Regulations that address requirements for, and oversight of, Industrial Users who introduce pollutants into Publicly Owned Treatment Works (POTWs). The final rule includes changes to certain program requirements to be consistent with National Pollutant Discharge Elimination System (NPDES) requirements for direct dischargers to surface waters. The regulation is effective 14 November 2005. For more information, please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-20001.htm>.

(Effective 3 November 2005) Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures ("Headworks Exemptions"). EPA is finalizing the addition of benzene and 2-ethoxyethanol to the list of solvents whose mixtures with wastewaters are exempted from the definition of hazardous waste under the Resource Conservation and Recovery Act. The scrubber waters derived from the combustion of any of the exempted solvents also are included in the exemption. In addition, the Agency is revising the rule by adding an option to allow generators to measure directly solvent chemical levels at the headworks of the wastewater treatment system to determine whether the wastewater mixture is exempt from the definition of hazardous waste. Finally, the Agency is extending the eligibility for the de minimis exemption to other listed hazardous wastes (beyond discarded commercial chemical products) and to non-manufacturing facilities. This final rule is effective on 3 November 2005. For more information, please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-19841.htm>.

EPA PROPOSED RULES

National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

On 8 September 1994, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) from industrial process cooling towers (59 FR 46350). The NESHAP eliminated the use of chromium-based water treatment chemicals that are known or suspected to cause cancer or have a serious health or environmental effect. Section 112(f)(2) of the Clean Air Act (CAA) directs EPA to assess the risk remaining (residual risk) after the application of the NESHAP and promulgate additional standards if warranted to provide an ample margin of safety to protect public health or prevent an adverse environmental effect. Also, section 112(d)(6) of the CAA requires EPA to review and revise the NESHAP as necessary at least every 8 years, taking into account developments in practices, processes, and control technologies. Based on their findings from the residual risk review and technology review, EPA is proposing no further action at this time to revise the NESHAP. For more information, please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-21188.htm>.

General Pretreatment Regulations for Existing and New Sources of Pollution Streamlining. This Advance Notice of Proposed Rulemaking (ANPRM) seeks comment on two issues concerning the removal credits provisions in the General Pretreatment Regulations. EPA requests comments on whether to amend the list of pollutants for which removal credits are available to add certain pollutants. The pollutants that the Agency would add are those that EPA previously has determined, after an exposure and hazard screening, would not require sewage sludge regulations. EPA is also soliciting comment on options to amend the "consistent removal" provision in the removal credits regulations that would be consistent with a decision of the U.S. Court of Appeals for the Third Circuit. For more information, please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-20000.htm>.

Toxics Release Inventory Burden Reduction Proposed Rule. Under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA proposes to revise certain requirements for the Toxics Release Inventory (TRI). The purpose of these revisions is to reduce reporting burden associated with the TRI reporting requirements while continuing to provide valuable information to the public that fulfills the purposes of the TRI program. "Burden" is the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. The Agency will continue to provide information to the public pursuant to section 313 of EPCRA and section 6607 of the Pollution Prevention Act (PPA) regarding toxic chemical releases and other waste management activities. If adopted, this proposed action would increase eligibility for the Form A Certification Statement for non-Persistent Bioaccumulative and Toxic (PBT) chemicals by raising the eligibility threshold to 5000 pounds for the "annual reportable amount" of a toxic chemical. It would also, for the first time, allow limited use of Form A for PBT chemicals where total releases are zero and the PBT annual reportable amount does not exceed 500 pounds. Dioxin and dioxin-like compounds are excluded from consideration for expanded Form A eligibility. The proposal applies to the reporting of individual chemicals and is not intended to apply automatically to all reports that a facility may be required to file. For non-PBTs under the current regulations, the annual reportable amount is the combined total quantity released at the facility, treated at the facility, recovered at the facility as a result of recycle operations, combusted for the purpose of energy recovery at the facility, and amounts transferred from the facility to off-site locations for the purpose of recycling, energy recovery, treatment, and/or disposal. This combined total corresponds to the quantity of the toxic chemical in production--related waste, i.e., the sum of Sections 8.1 through and including Section 8.7 of the Form R. Today's proposal would define a PBT annual reportable amount that would also include amounts managed and reported under Section 8.8 of the Form R. Greater detail on how reporters can qualify for increased Form A eligibility is provided later in today's proposal under Section III. For more information, please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-19710.htm>.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

Nominations Being Accepted for Presidential "Green Chemistry" Awards. The Presidential Green Chemistry Challenge Awards Program is open to all individuals, groups, and organizations, both nonprofit and for profit, including academia, government, and industry. The nominated green chemistry technology must have reached a significant milestone within the past five years in the United States (e.g., been researched, demonstrated, implemented, applied, patented, etc.). Entries must be sent no later than 31 December 2005. Awards will be presented the following summer in Washington, DC. Nominated green chemistry technologies should be an example of one or more of the three focus areas. Green chemistry technologies will be judged on how well they meet the selection criteria (where applicable). Approximately five awards will be made. One award will be made in each of the five award categories. Self-nominations are allowed and expected. There is no entry fee and no standard entry form, but nominations must meet certain requirements. Entrants must submit a printed, single-spaced nomination that is no longer than eight pages, with type no smaller than 12-point on 8 1/2-by-11-inch paper with margins of at least one inch. Nominations may include chemical reactions, tables, graphs, photographs, and other illustrations. Although entrants may wish to use color in their nominations, the judging panel may be reading nominations photocopied in black and white. Entrants should not submit nominations that rely on color for interpretation. Nominations longer than eight pages total will not be accepted. For more information, please go to <http://www.epa.gov/greenchemistry/howto.html>.

Acid Rain Program Maintains Air Pollution Cuts. The newly released Acid Rain Program 2004 Progress Report describes the environmental advances and public health, technology, and market-based improvements accomplished by the program. In 2004, electric power generation sources reduced their annual SO₂ emissions by about 34 percent - a decrease of over 5 million tons when compared to 1990 levels. Compared to 1980 levels, SO₂ emissions from power plants have dropped by 7 million tons, or more than 40 percent. NO_x emissions were down by about 3 million tons since 1990 and had decreased to nearly half the level anticipated without the Acid Rain Program.

Other NO_x regulations that also affect power plants, such as the NO_x Budget Trading Program in the eastern United States, also contributed to this reduction. The key environmental driver for the Acid Rain Program is a mandatory 8.95 million ton cap on SO₂ emissions. The Program allows sources to buy and sell "allowances" (statutory authorizations to emit SO₂). By reducing emissions early, sources can save (or bank) allowances and use them to cover excess emissions in years when the energy demand is higher. Thus, annual fluctuations in SO₂ emissions are expected, but the total amount of emissions over the course of the program is fixed and will not increase. In addition, a source's emissions may not exceed National Ambient Air Quality Standards at any time. The report is available on line at <http://www.epa.gov/airmarkets/cmprpt/arp04/index.html>.

US FISH AND WILDLIFE SERVICE

Final Rule: Determination of Endangered Status for the Salt Creek Tiger Beetle (*Cicindela nevadica lincolni*). The USFWS determine endangered status for the Salt Creek tiger beetle (*Cicindela nevadica lincolni*), pursuant to the Endangered Species Act (Act) of 1973, as amended (Act). This species is endemic to the saline wetlands of eastern Nebraska (NE) and associated streams in the northern third of Lancaster County and southern margin of Saunders County. Only three small populations of this subspecies remain, and the known adult population size in 2005 was only 153 individuals. This final rule extends Federal protection and recovery provisions of the Act to the Salt Creek tiger beetle. This final rule is effective 7 November 2005.

AEC Comment: The tiger beetle is not recorded as onsite or contiguous to any Army installation but is found in Lancaster and southern margin of Saunders Counties, NE. Mead Local Training Area (AR) is located in Saunders County and Camp Ashland also located partially in Saunders.

Final Rule: Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Arkansas River Basin Population of the Arkansas River Shiner (*Notropis girardi*). USFWS is designating critical habitat for the Arkansas River Basin population of the Arkansas River shiner (*Notropis girardi*) pursuant to the Endangered Species Act of 1973, as amended (Act). In total, approximately 856 kilometers (532 miles) of linear distance of rivers, including 91.4 meters (300 feet) of adjacent riparian areas measured laterally from each bank are included within the boundaries of the critical habitat designation. The areas that USFWS has determined to possess the features that are essential to the conservation of the Arkansas River shiner include portions of the Canadian River (often referred to as the South Canadian River) in New Mexico, Texas, and Oklahoma, the Beaver/North Canadian River in Oklahoma, and the Cimarron River in Kansas and Oklahoma, and the Arkansas River in Kansas. As presented in the proposed rule, USFWS has excluded from this designation all previously designated critical habitat in the Beaver/North Canadian River in Oklahoma and the Arkansas River in Kansas under authority of section 4(b)(2) of the Act. In addition, USFWS have excluded all previously proposed critical habitat in Unit 1a of the Canadian River in New Mexico and Texas and a portion of Unit 1b in Texas and Oklahoma under authority of section 4(b)(2) of the Act. The 3 effective date is 14 November 2005.

AEC Comment: No apparent impact on Army installations. The Arkansas River shiner is not been recorded as on or contiguous to any Army installation. No Critical Habitat was designated on Army property. One of the Critical Habitat units is designated along Canadian River extends from the State Highway 33 bridge near Thomas, Oklahoma downstream to Indian Nation Turnpike bridge northwest of McAlester, Oklahoma (McAlester AAP, IMA SW).

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REGIONAL MEETINGS

Southwest Strategy Tribal Relations Support Team Meeting. This meeting will be held on **17 November 2005** in **Phoenix, Arizona**. For additional information, please contact the Project Manager at (816) 983-3451.

Southwest Strategy Tribal Relations Symposium for Executive Leaders. This meeting will be held on **24-25 January 2006** in **Phoenix, Arizona**. For additional information, please contact the Project Manager at (816) 983-3451.

Southwest Strategy Regional Executive Forum Meeting. This meeting will be held on **26 January 2006** in **Phoenix, Arizona**. For additional information, please contact the Southwest Strategy Coordination Office at (505) 248-6882.

Iowa 6th Annual Water Monitoring Conference. The topic of this conference is Health and Economic Impacts of Water Quality. The conference will be held at Benton Auditorium Scheman Building, Iowa State University, Ames, Iowa on **16-17 February 2005**. Specific information regarding this conference the following web site as it becomes available: <http://wqm.igsb.uiowa.edu>.

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TRAINING COURSES AND WORKSHOPS

USACE PROSPECT Training. The FY06 Proponent-Sponsored Engineer Corps Training (PROSPECT) Program is now available on line at <http://pdsc.usace.army.mil>. The Purple Book, which includes the proposed scheduled training classes and sessions for FY06, is found at this location. FY06 PROSPECT is offering of the following courses:

- **The Complete RCRA Course: From Hazardous Waste Generation, Through Disposal, Corrective Action, and Beyond.** This is a new comprehensive RCRA hazardous waste course. Topics addressed include regulations important to waste generators such as: identifying hazardous waste; determining generator status; complying with accumulation requirements; manifesting waste off site; land disposal restrictions treatment standards; and special regulations for recyclables, used oil, military munitions, and universal waste. The course also instructs on regulations pertaining to treatment, storage, and disposal facilities such as the permitting process; treatment, storage, and disposal facility standards, and RCRA corrective action requirements. Phases of corrective action are covered including identification of solid waste management units and area of concern, interim stabilization measures, the RCRA facility investigation, corrective measures studies, and corrective measures implementation. Special waste management options for remediation waste, such as corrective action management units, staging piles, and temporary units are also addressed. See: http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl_Num=156.
- **Hazardous Waste Manifesting & DOT Certification.** This 36-hour course enables Corps personnel to understand the regulatory requirements of RCRA and the Hazardous Materials Transportation Act (HMTA) as it applies to the generation, transportation, and disposal of hazardous waste. Topics include RCRA waste classification, land disposal restrictions, generator requirements, manifesting requirements, and DOT requirements such as proper shipping names, packaging, labeling, marking, and placarding. Course provides DOT certification as per 49 CFR subpart H and DoD 4500.9-R, chapter 204). Course is ISEERB approved. http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl_Num=223.
- **Hazardous Waste Manifesting 16-Hour DOT Recertification Course.** The 16-hour manifesting refresher course is intended to provide refresher training on DOT requirements to fulfill the recurrent training requirements of 49 CFR 172, Subpart H for general awareness/familiarization training. Students who successfully complete the course will be certified as having been trained and tested to recognize and identify hazardous materials. Course provides DOT certification as per 49 CFR subpart H and DoD 4500.9-R, chapter 204). Course is ISEERB approved. http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl_Num=429.
- **Environmental Regulations Practical Application Course.** This is an excellent course for those personnel involved in regulatory compliance issues. Topics covered in this 36-hour course include RCRA waste classification and disposal, DOT shipping, CAA, CWA storm and wastewater discharges, TSCA requirements for management and disposal of PCBs, lead-based paint issues, asbestos, USTs, pesticide management, EPCRA, spill response, and drinking water standards. http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl_Num=398.
- **The CERCLA/RCRA Process.** This 24-hour course trains USACE personnel involved with hazardous and toxic waste projects on military and civil works projects in the proper application of CERCLA, RCRA and other relevant environmental laws, regulations, and policies. This course is ISEERB approved. http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl_Num=356.

TCEQ Pollution Prevention Workshop. Sponsored by the Texas Commission on Environmental Quality, the intent of this workshop provides strategies on how to improve efficiency while decreasing or eliminating pollution. It will be an interactive workshop with many classroom exercises. Experts in pollution prevention, environmental

management systems (EMS), environmental regulations, and energy efficiency will assist in developing P2 strategies to improve performance. The workshop will be held in **Austin, Texas** on **17-18 November 2005**. For more information, please go to <http://www.tceq.state.tx.us/assets/public/admin/events/10-05p2workshop.pdf>.

Partners in Environmental Technology Technical Symposium & Workshop. Sponsored by Strategic Environmental Research and Development Program (SERDP) and Environmental Security Technology Certification Program (ESTCP), the 2005 Partners in Environmental Technology Technical Symposium & Workshop will take place **29 November- 1 December 2005** in **Washington, DC**. For information as it becomes available, please go to <http://www.serdp.org/symposiums/symposiums.html> or e-mail partners@hgl.com or call (703) 736-4548 with any questions.

Competitive Sourcing Training at 2006 IMI Conference. The 2006 Installation Management Institute (IMI) Conference will be held the week of **9 - 13 January 2006** in **San Antonio, Texas**. Competitive Sourcing will conduct a 30-hour course on informative subjects ranging from Streamlined and Standard Competitions, legal prospective, lesson-learned, and much more. The IMI Conference is for US Army military and civilian personnel attendees. The website will open on or about 1 November 2005 for registration, Competitive Sourcing track, and instructor information.

American Waterworks 2006 Inorganic Contaminants Workshop. The workshop will present the latest research and industry knowledge on topics including: 1) the inorganics regulatory climate, 2) how to implement treatment to remove inorganic contaminants, 3) challenges associated with managing residuals produced by inorganic treatment processes, 4) the latest on emerging contaminants such as perchlorate and chromium VI, 5) advances in arsenic treatment technology selection tools and EPA's small system strategy, 6) full-scale experience with membrane desalination, 7) new techniques for dealing with contaminations such as iron, manganese, and 8) nitrate contamination accumulation in distribution systems. The workshop will take place in **Austin, Texas** on **29-31 January 2006**. For more information, please go to <http://www.awwa.org/conferences/inorganics/>.

Army Environmental Clean-up 2006 Workshop. Department of the Army/ US Army Environmental Center 2006 Environmental Cleanup Workshop will be held in **San Antonio, Texas** from **31 January to 2 February 2006**. The 2006 Workshop will be broad in scope and the agenda will include topics from all Army environmental cleanup programs. The overall focus will be on achieving results in accordance with current defense goals and the objectives of the Army Environmental Cleanup Strategy, while also offering a forum for program information sharing, team building, and personal interaction. For more information, please go to <http://aec.army.mil/usaec/cleanup/workshop/index.html>.

National Military Fish and Wildlife Association 2006 Annual Meeting. The NMFWA 2006 annual meeting will be held at **Columbus, Ohio** on **21-24 March 2006**. Topics to be discussed include DoD Operations And Land Management, Natural Resources Success Stories, and Wetlands among others. For more information, please go to http://www.nmfwa.org/2006_Meeting/index.htm.

2006 Department of Defense State Memorandum of Agreement (DSMOA) National Workshop. The DSMOA National Workshop is being held in conjunction with the 2006 Joint Services Environmental Management Conference on **22-23 March 2006** at the Colorado Convention Center, **Denver, Colorado**. The 2006 DSMOA Workshop theme is "DSMOA Transformation." The goal is to produce a Workshop that is of interest and benefit to all DSMOA participants. The two-day Workshop will focus on the future of the DSMOA program. For more information, please go to https://eko.usace.army.mil/Announcements/index.cfm?id=14131&page_prq_id=14995&page_id=1528.

Introductory Risk Communication Workshop. CHPPM is presenting this workshop to provide participants with a basic understanding of the concepts, principles, and process of effective risk communication planning. The workshop provides participants with an understanding of essential communication skills and tools for building strategic stakeholder relationships that provide the framework for discussion of complex risk issues. The workshop is scheduled for **8-10 November 2005** in **Aberdeen, Maryland** and **5-7 July 2006** in **San Antonio, Texas**. For more information, please go to <http://chppm-www.apgea.army.mil/risk/> and click "Introductory Workshop."

Advanced Risk Communication Workshop. The CHPPM is presenting this workshop to instruct participants on how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop, scheduled for **25-27 July 2006** in **San Antonio, Texas**, will provide participants with hands-on

experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues affecting military health and readiness. For more information, please go to <http://chppm-www.apgea.army.mil/risk> and click "Advanced Workshop."

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CONFERENCES AND SYMPOSIUMS

Fifth Annual New partners for Smart Growth Conference. The 2006 national, multidisciplinary conference will feature cutting-edge smart-growth issues, the latest research, implementation tools and strategies, successful case studies, interactive learning experiences, new partners, new projects, and new policies. The program includes a mix of keynotes, plenary sessions, interactive breakout sessions, "hands-on" implementation workshops, and opportunities for participants and speakers to network with each other. It also features several optional sessions, including pre- and post-conference tours of local model projects, pre-conference seminars, and evening salon sessions. The conference will be held in **Denver, Colorado** on **26-28 January 2006**. For more information, please go to <http://www.outreach.psu.edu/C&I/SmartGrowth/about.html>.

2006 Joint Services Environmental Management Conference & Exhibition. The 2006 Joint Services Environmental Management (JSEM) Conference & Exhibition will be held in **Denver, Colorado** on **20-23 March 2006**. The Conference has become one of the most significant events and forum for DoD, other Federal agencies, states, industry, professionals, and practitioners to address a wide range of issues and viewpoints on environmental policy, execution, management, technology, and practices. The theme of 2006 JSEM is Transformation, highlighting many new and innovative ways that DoD, industry and our partners are transforming how we are meeting the mission needs while protecting the environment. For more information, please go to https://eko.usace.army.mil/Announcements/index.cfm?id=14073&pge_prq_id=14995&pge_id=1528.

National Integrated Pest Management (IPM) Symposium. The Fifth National IPM Symposium, "Delivering on a Promise," will be held in **St. Louis, Missouri** on **4-6 April 2006** at the Adams Mark Hotel. Symposium sessions will address state of the art strategies and technologies to successfully solve pest problems in agricultural, recreational, natural and community settings. For more information, please go to <http://www.ipmcenters.org/ipmsymposium/>.

2006 Federal Environmental Symposium. The Office of the Federal Environmental Executive (OFEE) is sponsoring a multi-agency environmental training conference for 2006. The three-day conference, scheduled **2-4 May 2006** is being hosted by the Department of Health and Human Services in **Bethesda, Maryland**. The conference will be held at the National Institutes of Health's Natcher Center, a short walk from the Medical Center red line metro center in Bethesda, MD. The theme of the 2006 conference is Sustainability. Three major conference learning tracks will include: Environmental Management, Green or Smart Procurement and Stewardship. The conference is free and open to federal employees. For more information, please visit <http://www.fedcenter.gov/Events/index.cfm?id=2816> after the first of the New Year.

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Acronyms and Abbreviations The list of acronyms and abbreviations can be found on the AEC web site at <http://aec.army.mil/usaec/reo/creo03.html> and on DENIX at <https://www.denix.osd.mil/denix/State/Partnering/REC/rec.html> (click Information Library).

ACSIM = Assistant Chief of Staff for Installation Management
ADEQ = Arkansas Department of Environmental Quality
AEA = Atomic Energy Act of 1954
AEDB = Army Environmental Database
AFCEE = U.S. Air Force Center for Environmental Excellence
AFIT = Air Force Institute of Technology
AIMO = Associated Industries of Missouri
ANPR = Advance Notice of Proposed Rulemaking
ANSI = American National Standards Institute
APA = American Planning Association
APC&EC = Arkansas Pollution Control and Ecology Commission

AQCR = Air Quality Control Region
 AQI = Air Quality Index
 AST = aboveground storage tank
 ASTM = American Society for Testing and Materials
 ASTSWMO = Association of State and Territorial Solid Waste Management Officials
 ATV = all-terrain vehicle
 AWMA = Air & Waste Management Association
 BAT = best available technology
 BIA = Bureau of Indian Affairs
 BOR = Bureau of reclamation
 BRAC = Base Realignment and Closure
 CAA = Clean Air Act
 CADD = computer-aided design and drafting
 CAM = compliance assurance monitoring
 CAMU = corrective action management unit
 CARB = California Air Resources Board
 CBT = computer-based training
 CCAR = Coordinating Committee for Automotive Repair
 CCP = Comprehensive Conservation Plan
 C&D = construction and demolition
 CECOS = Civil Engineer Corps Officers
 CEPPO = Chemical Emergency Preparedness and Prevention Office
 CERCLA = Comprehensive Environmental Response, Compensation and Liability Act
 CESQG = conditionally exempt small-quantity generator
 CFC = chlorofluorocarbon
 CFR = Code of Federal Regulations
 CHPPM = U.S. Army Center for Health Promotion and Preventative Medicine
 CINWL = commercial industrial nonhazardous waste landfill
 CISWI = commercial and industrial solid waste incinerator
 CO = carbon monoxide
 CREO = Central Regional Environmental Office
 CSR = Code of State Regulations
 CTIC = Conservation Technology Information Center
 CTT = closing, transferring and transferred ranges
 CWA = Clean Water Act
 DAC = Defense Ammunition Center
 DBP = disinfection byproduct
 DBPR = Disinfectants and Disinfection Byproducts Rule
 DEI = Directorate of Environmental Integration
 DENIX = Defense Environmental Network & Information eXchange
 DERP = Defense Environmental Restoration Program
 DFW = Dallas/Fort Worth
 DNT = dinitrotoluene
 DoD = U.S. Department of Defense
 DOE = U.S. Department of Energy
 DOI = U.S. Department of Interior
 DOT = U.S. Department of Transportation
 DRMS = Defense Reutilization and Marketing Service
 DSMOA = Defense/State Memorandum of Agreement
 EA = environmental assessment
 EAC = Early Action Compact
 ECAS = Environmental Compliance Assessment System
 ECHO = Enforcement and Compliance History Online
 ECOS = Environmental Council of the States
 ECSR = Environmental Compliance Status Report
 EIS = environmental impact statement
 EMR = environmental management review
 EMS = environmental management system
 EO = executive order
 EPA = U.S. Environmental Protection Agency

EPAS = Environmental Performance Assessment System
 EPCRA = Emergency Planning and Community Right-to-Know Act
 ER = environmental restoration
 ERC = Emission Reduction Credit
 ERTTP = Environmental Response Training Program
 ETMD = Environmental Training and Management Division
 EVR = Enhanced Vapor Recovery
 FAA = Federal Aviation Administration
 FEIS = Final Environmental Impact Statement
 FIFRA = Federal Insecticide, Fungicide and Rodenticide Act
 FFEO = Federal Facilities Enforcement Office
 FM = facilities management
 FR = Federal Register
 FS = Feasibility Study
 FUDS = Formerly Used Defense Sites
 FY = fiscal year
 GAO = General Accounting Office
 GCP = general construction permit
 GIS = geographic information system
 gpd = gallons per day
 GSA = General Services Administration
 HAP = hazardous air pollutant
 HAZMAT = hazardous materials
 HAZWOPER = Hazardous Waste Operations and Emergency Response
 HB = House Bill
 HGA = Houston/Galveston Area
 HJR = House Joint Resolution
 HM = hazardous material
 HMIRS = Hazardous Materials Information Resource System
 HMIWI = hospital/medical/infectious waste incinerator
 HMX = high melting point explosive
 HQ = headquarters
 HRVOC = highly-reactive volatile organic compounds
 HSB = House Study Bill
 HTRW = hazardous/toxic and radioactive waste
 IAC = Iowa Administrative Code
 IBR = Incorporated By Reference
 IDNR = Iowa Department of Natural Resources
 IESWTR = Interim Enhanced Surface Water Treatment Rule
 I&M = inspection and maintenance
 IMI = Installation Management Institute
 INSTEP = International Society of Technical and Environmental Professionals
 ISEERB = Interservice Environmental Education Review Board
 ISO = International Organization for Standardization
 ISR = Installation Status Report
 ITAM = Integrated Training Area Management
 ITRC = Interstate Technology Regulatory Council
 JRTC = Joint Readiness Training Center
 KAR = Kansas Administrative Rules
 KCMA = Kansas City Metropolitan Area
 KDA = Kansas Department of Agriculture
 KDHE = Kansas Department of Health and Environment
 kW = kilowatt
 LAC = Louisiana Administrative Code
 LAMW = low-activity mixed waste
 LANL = Los Alamos National Laboratory
 LB = legislative bill
 LDEQ = Louisiana Department of Environmental Quality
 LDR = land disposal restriction
 LLRW = low level radioactive waste

LPDES = Louisiana Pollutant Discharge Elimination System
 LPST = leaking petroleum storage tank
 LQG = large quantity generator
 LT1ESWTR = Long Term 1 Enhanced Surface Water Treatment Rule
 LT2ESWTR = Long Term 2 Enhanced Surface Water Treatment Rule
 LUC = land use control
 LUST = leaking underground storage tank
 MACT = maximum achievable control technology
 MCL = maximum contaminant level
 MCLG = maximum contaminant level goal
 MDNR = Missouri Department of Natural Resources
 MDS = minimum desirable streamflow
 MSDS = Material Safety Data Sheet
 MEG = Military Environmental Group
 MEGCs = multiple-element gas containers
 MEK = methyl ethyl ketone
 mg/L = milligram per liter
 mg/yr = megagrams per year
 MMR = Military Munitions Rule
 mph = mile per hour
 MP&M = metal products and machinery
 M2R = Military Munitions Rule
 mrem = millirem
 mrem/yr = millirem per year
 MRDLGs = maximum residual disinfectant level goals
 MS4 = municipal separate storm sewer system
 MSDS = material safety data sheet
 MSWG = Multi-State Working Group
 MSWLF = municipal solid waste landfill
 MSWTS = municipal solid waste transfer station
 MTBE = methyl tertiary butyl ether
 MVECP = Motor Vehicle and Engine Compliance Program
 MVEB = Motor Vehicle Emission Budget
 MWC = municipal waste combustion
 NAAQS = National Ambient Air Quality Standard
 NAICS = North American Industry Classification System
 NDEQ = Nebraska Department of Environmental Quality
 NDIA = National Defense Industrial Association
 NEPA = National Environmental Policy Act
 NESHAP = National Emission Standards for Hazardous Air Pollutants
 NFPA = National Fire Protection Association
 NGWA = National Ground Water Association
 NHPA = National Historic Preservation Act
 NMAC = New Mexico Administrative Code
 NMED = New Mexico Environment Department
 NO_x = nitrogen oxides
 NORM = naturally occurring radioactive material
 NPDES = National Pollutant Discharge Elimination System
 NRC = Nuclear Regulatory Commission
 NREO = Northern Regional Environmental Office
 NREP = National Registry of Environmental Professionals
 NSP = new source performance
 NSR = new source review
 OAC = Oklahoma Administrative Code
 ODEQ = Oklahoma Department of Environmental Quality
 OE = ordnance and explosives
 OFR = Office of the Federal Register
 OMB = Office of Management and Budget
 OMEG = Oklahoma Military Environmental Group

ORVR = onboard refueling vapor recovery
 OSHA = Occupational Safety and Health Administration
 OSPRA = Oil Spill Prevention and Response Act
 OSSF = on-site sewage facility
 OSWER = Office of Solid Waste and Emergency Response
 P2 = pollution prevention
 PASS = Permit Application Software System
 PAL = plant-wide applicability limitation
 PBR = permit by rule
 PBT = persistent bioaccumulative toxin
 PCB = polychlorinated biphenyl
 pCi/L = picocurie per liter
 PEMS = Predictive Emission Monitoring Systems
 PER = Permitting for Environmental Results
 PHMSA = Pipeline And Hazardous Materials Safety Administration
 P.L. = public law
 PM = particulate matter
 PM_{2.5} = Fine Particulate Matter with a diameter smaller than 2.5 microns
 POC = point of contact
 POM = Program Objective Memorandum
 POTW = publicly owned treatment works
 ppb = part per billion
 ppm = part per million
 PRP = potentially responsible party
 PSD = prevention of significant deterioration
 PST = petroleum storage tank
 PSTTF = Petroleum Storage Tank Trust Fund
 PTE = potential to emit
 PWS = public water system
 RACM = reasonably available control measures
 RACT = reasonably available control technology
 RCRA = Resource Conservation and Recovery Act
 RDX = Royal Demolition eXplosive
 REC = Regional Environmental Coordinator
 REGFORM = Regulatory Environmental Group for Missouri
 RFG = reformulated gasoline
 RI = remedial investigation
 RICE = reciprocating internal combustion engine
 ROD = record of decision
 SAME = Society of American Military Engineers
 SB = Senate Bill
 SDWA = Safe Drinking Water Act
 SDWIS = Safe Drinking Water Information System
 SERDP = Strategic Environmental Research and Development Program
 SIC = Standard Industrial Classification
 SIP = State Implementation Plan
 SM = Senate Measure
 SO₂ = Sulfur dioxide
 SPCC = Spill Prevention, Control, and Countermeasure
 SQG = small quantity generator
 SREO = Southern Regional Environmental Office
 TAC = Texas Administrative Code
 TBD = to be determined
 TCEQ = Texas Commission on Environment Quality
 TCM = transportation control measure
 TDS = total dissolved solids
 TEFs = Toxicity equivalency factors (related to dioxins)
 TEQ = Toxicity equivalency (related to dioxins)
 TERP = Texas Emissions Reduction Plan

TIM = Transformation of Installation Management
TMDL = total maximum daily load
TPDES = Texas Pollutant Discharge Elimination System
TRI = Toxics Release Inventory
TRI-DDS = Toxics Release Inventory – Data Delivery System
TRRP = Texas Risk Reduction Program
TSCA = Toxic Substances Control Act
TSP= Total Suspended Particulate
tpy = tons per year
TNT = trinitrotoluene
TXEP = Texas Environmental Partnership
UIC = underground injection control
UN = United Nations
USACE = U.S. Army Corps of Engineers
USAEC = U.S. Army Environmental Center
U.S.C. = United States Code
USFWS = U.S. Fish and Wildlife Service
USGS = U.S. Geological Survey
UST = underground storage tank
UXO = unexploded ordnance
VOC = volatile organic compound
WET = whole effluent toxicity
WMM = waste military munitions
WQBEL = water quality-based effluent limit
WQMP = Water Quality Management Plan
WREO = Western Regional Environmental Office
ug/L = microgram per liter

